



JW

PATENT
IOS9601CIPD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: D'Ausilio, et al.

Examiner: Swiatek, Robert P.

Serial No.: 10/779,869

Group Art Unit: 3643

Title: **In Orbit Space Transportation
& Recovery System**

Filed: 17 February 2004

CERTIFICATE OF MAILING UNDER 37 C.F.R. SECTION 1.8

The undersigned hereby certifies that this document is being deposited with the United States Postal Service in accordance with the provisions of 37 CFR Section 1.8 on the date indicated below and is addressed to The Commissioner for Patents, Mail Stop Non-Fee Amendment, P.O. Box 1450, Alexandria, Virginia 22313-1450.


Thomas N. Giaccherini, Registration No. 31,075

Date 27 Sept
2004.

DISCLOSURE STATEMENT

The Commissioner for Patents
Mail Stop Non-Fee Amendment
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Applicants submit this Disclosure Statement in accordance with 37 CFR Sections 1.56, 1.97 and 1.98. A completed PTO Form-SB/08A&B accompanies this Disclosure Statement.

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**COPIES OF DOCUMENTS HAVE BEEN SUBMITTED
FOR PREVIOUS APPLICATION**

The Applicants have not submitted copies of non-patent publications with this Disclosure Statement, since a full set of copies of non-patent publications were submitted to the Patent Office on 24 September 2004 for a previous, related U.S. Patent Application Serial No.10/736,887. The Applicants are in compliance with 37 CFR 1.98(d) and MPEP Section 609, III, A, A (2):

“There are exceptions that a copy must be provided. First, 37 CFR 1.98(d) states that a copy of any patent, publication, pending U.S. application, or other information listed in an information disclosure statement is not required to be provided if: (1) the information was previously cited or submitted to, the Office in a prior application, provided that the prior application is properly identified in the IDS and is related on for an earlier filing date under 35 U.S.C. 120; and (2) the IDS submitted in the earlier application complies with 37 CFR 1.98 (a)-(c).”

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DISCLOSURE DOCUMENTS

Non-Patent Publications

Document A

A general description of conventional nuclear-propulsion systems may be found in a text entitled *A Critical Review of Space Nuclear Power and Propulsion*, edited by Mohamed S. El-Genk, which was published by the American Institute of Physics in 1994. Please note the description of the SP-100 System in Figure 2 on page 25.

Document B

Various nuclear electric propulsion systems are described in a publication entitled *Nuclear Electric Propulsion, A Summary of Concepts Submitted to the NASA/DoE/DoD Nuclear Electric Propulsion Workshop*, which was held in Pasadena, California on 19-22 June 1990, J. Barnett, Workshop Chairman.

Document C

The U.S. Departments of Energy and Defense and NASA developed plans for a Generic Flight System for space-based defense systems and NASA exploration missions called SP-100 in the mid-1980's. The SP-100 was designed to supply nuclear-power for military and civilian space systems. This early system was designed as a single-use power stage for a single, permanently attached payload; and was never configured for any on-orbit rendezvous, docking or servicing missions. The SP-100 is described in the SP-100 Technical Summary Report, which was prepared for the U.S. Department of Energy by the Jet Propulsion Laboratory and the California Institute of Technology in September, 1994.

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Document D

The Aerospace Division of the Olin Corporation proposed a small engine for the small satellite community called the Small Upper Stage (SUS). The SUS was designed to accomplish low Earth orbit transfers, orbit circularizations and plane changes using hydrazine propulsion.

Document E

In an article entitled Topaz Two Proves to Be a Gem for International Tech Transfer, contained in Technical Applications Report from Ballistic Missile Defense Organization, 1995, thermoionic reactors for space-based power generation are disclosed.

Document F

Prospects for Nuclear Electric Propulsion Using Closed-Cycle Magnetohydrodynamic Energy Conversion, by R. Litchford et al. was presented at the 12th Annual Advanced Space Propulsion Workshop in Huntsville, Alabama on 3-5 April 2001.

Document G

J. Collins et al. disclose a Small Orbit Transfer Vehicle for On-Orbit Servicing and Resupply which was presented at the 15th Annual Utah State University Conference on Small Satellites at Logan, Utah, 13-16 August 2001.

Document H

R. Michael Hord published an article entitled *CRC Handbook of Space Technology: Status and Projections*, published by CRC Press, Inc. in 1984.

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Document I

Samuel A. Cohen et al. published an article entitled *The Grand Challenge: A New Plasma Thruster* in the December 1988 edition of Launchspace.

Document J

An advertisement by General Electric entitled *GENERAL ELECTRIC AND NASA-Leaders in Space Technology* describes a space station concept that includes a nuclear reactor.

Document K

TRW produced a brochure for an Orbital Maneuvering Vehicle in 1985.

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U.S. Patents

TRW has patented several methods and apparatus intended for the space transportation market. In U.S. Patent No. 4,471,926, Steel describes a Transfer Vehicle for Use in Conjunction with a Reusable Space Shuttle. This spacecraft has a propulsion system that uses a low-thrust bi-propellant liquid rocket engine to provide a soft, low-acceleration ascent. In U.S. Patent No. 4,575,029, Harwood and Love disclose a spacecraft for transporting a payload from a space shuttle in a low altitude parking orbit to an operational orbit. In U.S. Patent No. 4,943,014, Harwood and Love reveal their “soft ride” method for changing the altitude or position of a spacecraft in orbit using a liquid bi-propellant engine.

In United States Patent No. 4,664,344, Harwell describes an apparatus and method of capturing an orbiting spacecraft. This device comprises a relatively small mechanical probe and fixture operated by an astronaut during a spacewalk.

In U.S. Patent No. 4,754 ,601, Minovitch discloses “a propulsion system for reusable space-based vehicles is presented wherein the propulsive working fluid is atmospheric gas.”

In U.S. Patent No. 5,260,639, De Young et al. describe “a method of supplying power to a device such as a lunar rover located on a planetary surface.”

In U.S. Patent No. 6, 213,700, Koppel discloses a “method [which] serves to place a space vehicle, such as a satellite, on a target orbit such as the orbit adapted to normal operation of the space vehicle and starting from an elliptical initial orbit that is significantly different from, and in particular more eccentric than the target orbit.”

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In U.S. Patent No. 6,357,700, Provitola describes “an spacecraft/airship, which uses buoyancy and thrusters to ascend into space with lifting gas as propellant or fuel for thrusters, which may be conventional thrusters or electric turbojets or ion thrusters.”

In U.S. Patent No. 5,779,195, Basuthakur et al reveal “a satellite assembly [that] is formed from any number of bus modules which have a substantially common shape and interior space volume.”

In U.S. Patent No. 6,478,257, Oh et al. describe “systems and methods that employ a phase change material to provide thermal control of electric propulsion devices.”

In U.S. Patent No. 3,825,211, Minovitch presents a “space vehicle [which] carries a vaporizable propellant....[E]nergy is transmitted to the vehicle while in space by a laser beam originating on the ground or some other body or satellite.”

In U.S. Patent No. 6,364,252, Anderman discloses a method of using dwell times in intermediate orbits to optimize orbital transfers, as well as an apparatus for satellite repair.

In U.S. Patent No. 6, 669,148, Anderman et al. describes a method and apparatus for supplying orbital space platforms.

In U.S. Patent No. 5,294,079, Draznin et al. describes a space transfer vehicle.

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PROSECUTION HISTORY OF RELATED APPLICATIONS

The Applicant filed Parent Application U.S. Serial No. 09/918,705 on 30 July 2001 (Docket No. ITS9601). The Patent Office issued an Office Action dated 26 December 2002 which contained a Section 103 rejection of Claims 1 and 3-21, and an objection to Claim 2. The Examiner cited U.S. Patent No. 4 754 601- Minovitch as the basis of the Section 103 rejection, and also cited De Young 5 260 639, Koppel 6 213 432 and Provitola 6 357 700, only “as examples of orbital spacecraft.”

Instead of responding to the Office Action dated 26 December 2002, the Applicants submitted a First Continuation-in-Part Application (Docket No. ITS9601CIPA), Patent Application Serial No. 10/298,138, on 15 November 2002. A Notice of Allowance was issued on 26 September 2003 together with an Examiner’s Amendment which cited Minovitch 3 825 211 and 4 754 601, De Young 5 260 639 and Oh 6 478 257 “as examples of relevant prior art.”

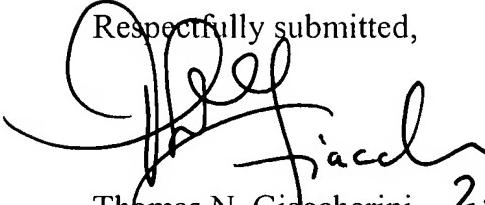
Instead of paying the Issue Fee for USSN 10/298,138, the Applicants filed the Present Application (Docket No. IOS9601CIPB) on 15 December 2003. The Applicants then also filed USSN 10/755,200 (IOSCIPC) and the Present Application, USSN 10/779,869 (IOSCIPD).

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CONCLUSION

The Applicants submit that none of the documents described above disclose the Invention as claimed in the present Patent Application. A First Office Action has not yet issued for the Present Application. The Applicants believe that no fee is required to submit this Disclosure Statement.

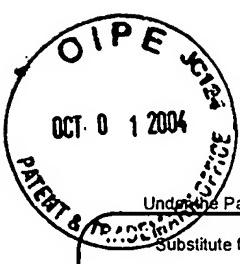
Respectfully submitted,


Thomas N. Giaccherini,
Applicants' Attorney
Registration No. 31,075

27 Sept 2004.

Giaccherini
Post Office Box 1146
Carmel Valley, California 93924
831.659.5300
techlaw@ix.netcom.com

Transmitted to the United States Patent Office
by First Class Mail on Monday 27 September 2004 with a Rule 8 Certificate.



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet One of Three

Complete if Known

Application Number	10/779,869
Filing Date	17 February 2004
First Named Inventor	D'Ausilio
Art Unit	3643
Examiner Name	Swiatek, Robert P

Attorney Docket Number IOS9601CIPD

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number <small>Number-Kind Code² (if known)</small>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 4 471 926		Steel	
		US- 4 575 029		Harwood	
		US- 4 943 014		Harwood	
		US- 4 664 344		Harwell	
		US- 4 754 601		Minovitch	
		US- 5 260 639		DeYoung	
		US- 6 213 700		Koppel	
		US- 6 357 700		Provitola	
		US- 5 779 195		Basuthakur	
		US- 6 478 257		Oh	
		US- 3 825 211		Minovitch	
		US- 6 364 252		Anderman	
		US- 6 669 148		Anderman	
		US- 5 294 079		Draznin	
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document <small>Country Code³-Number⁴-Kind Code⁵ (if known)</small>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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Substitute for form 1449/PTO

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

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Application Number	10 / 779 869
Filing Date	17 FEB 2004
First Named Inventor	D'Ausilio
Art Unit	3643
Examiner Name	Swiatek, Robert P
Attorney Docket Number	IOS9601CIP-1

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	A	EL GENK A Critical Review of Space Nuclear Power and Propulsion	
	B	BARNETT Nuclear Electric Propulsion	
	C	JPL SP-100 Technical Summary Report- Volume 1- Executive Summary	
	D	OLIN Small Upper Stage	
	E	Topaz II Proves to be a Gem for International Tech Transfer	
	F	LITCHFORD Prospects for Nuclear Electric Propulsion	
	G	COLLINS Small Orbit Transfer Vehicle	
	H	HORD CRC Handbook of Space Technology: Status and Projections	
	I	COHEN The Grand Challenge: A New Plasma Thruster	
	J	General Electric and NASA- Leaders in Space Technology	

Examiner Signature	Date Considered
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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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<p>Substitute for form 1449/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(Use as many sheets as necessary)</p>				<i>Complete if Known</i>	
				Application Number	10/779,869
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				Art Unit	3643
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Sheet	3	of	3	Attorney Docket Number	IOS9601CIPD

NON PATENT LITERATURE DOCUMENTS

Examiner Signature	•	Date Considered	
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